

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re Janet L. Harris
Vincent E. Harris

Debtors

Case No. 17-35621-KRH
Chapter 13

Address: 1304 Poco Dr. Richmond, VA 23235

SSN: xxx-xx- 9499 and 3082

NOTICE OF OBJECTION TO PROOF OF CLAIM #3

COMES NOW, Vincent E. Harris and Janet L. Harris, ("Debtors"), by counsel has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney if you have one.

If you do not want the court to eliminate or change your claim, then on or before 30 days from today, you or your attorney must:

File with the court, a written response to the objection, explaining your position at: the address of the bankruptcy clerk's office pursuant to FRBP 3007, within 30 days of the filing of this Objection at below address.

Clerk of Court United States Bankruptcy Court 701 E. Broad Street, Room 4000 Richmond, VA 23219	<u>You must also mail a copy to:</u> Joseph S. Massie, III, Esquire 115 N.1st Street- Suite 100 Richmond, VA 23219
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If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim.

Massie Law Firm, PC
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115 N. 1st Street, Suite 100
Richmond, VA 23219
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jmassie@massielawfirm.com

In re Janet L. Harris
Vincent E. Harris

Debtor(s)

: Case No. 17-35621-KRH
: Chapter 13

November 2, 2021

RESPECTFULLY SUBMITTED

Vincent E. Harris
Janet L. Harris

/s/: Joseph S. Massie, III
Joseph S. Massie, III, Esquire
115 N.1st Street- Suite 100
Richmond, VA 23219
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CERTIFICATE OF SERVICE

I hereby certify that on , November 2, 2021, by first class mail an exact copy of the foregoing Objection to Proof of Claim to

**Toyota Motor Credit Corporation
c/o: Beckett and Lee, LLP,
PO Box 3001
Malvern, PA 19355-0701**

**Toyota Motor Credit Corporation
r/a CT Corporation System
4701 Cox Rd., Suite 285
Glen Allen, VA 23060**

**Vincent and Janet Harris
1304 Poco Dr.
Richmond, VA 23235**

**Suzanne Wade, Chapter 13 Trustee
7202 Glen Forest Dr, Ste 202
Richmond, VA 23226**

as well as all Creditors listed below and all necessary Parties.

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**American Express Trs
Po Box 297871
Fort Lauderdale, FL 33329**

**Amex
Correspondence
Po Box 981540
El Paso, TX 79998**

**Barclays Bank Delaware
100 S West St
Wilmington, DE 19801**

**Cap1/dbarn
Capital One Retail Srvs/Attn: Bankruptcy
Po Box 30258
Salt Lake City, UT 84130**

**Capital One
Attn: Bankruptcy
Po Box 30253
Salt Lake City, UT 84130**

**Capital One
Attn: General Correspondence/Bankruptcy
Po Box 30285
Salt Lake City, UT 84130**

**Cash Net USA
P.O .Box 643990
Cincinnati, OH 45264**

**Chase Card
Attn: Correspondence Dept
Po Box 15298
Wilmington, DE 19850**

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**Citibank / Sears
Citicorp Credit Services/Attn: Centraliz
Po Box 790040
Saint Louis, MO 63179**

**Citibank/The Home Depot
Citicorp Cr Srvs/Centralized Bankruptcy
Po Box 790040
St Louis, MO 63129**

**Conrad Accept
476 W Vermont Ave
Escondido, CA 92025**

**Dell Financial Services
Attn: Bankruptcy
Po Box 81577
Austin, TX 78708**

**Discover Financial
Po Box 3025
New Albany, OH 43054**

**Henrico Doctor's Hospital
P.O. Box 13620
Richmond, VA 23225**

**Mid America Bank & T
121 Continental Dr Ste 1
Newark, DE 19713**

**Midland Funding
Attn: Bankruptcy
Po Box 939069
San Diego, CA 92193**

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Ocwen Loan Servicing, Llc
Attn: Research/Bankruptcy
1661 Worthington Rd Ste 100
West Palm Bch, FL 33409

Old Point National Ban
1 W Mellen St
Hampton, VA 23663

Synchrony Bank
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896
Synchrony Bank/ JC Penneys
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896

Synchrony Bank/Amazon
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896

Synchrony Bank/Sams Club
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896

Synchrony Bank/Walmart
Attn: Bankruptcy
Po Box 965060
Orlando, FL 32896

Toyota Motor credit Corp
Po Box 8026
Cedar Rapids, IA 52408

Tricom Management
4025 E La Palma Avenue # 1 101
Anaheim, CA 92807

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Wyndham Vacation Ownership
6277 Sea Harbor Dr
Orlando, FL 3282

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OBJECTION TO PROOF OF CLAIM

COMES NOW, Vincent E. Harris and Janet L. Harris, (“Debtors”), by counsel,
and pursuant to 11 U.S.C. Rule 3007, Objection to Claim(s), Debtor’s object to claim number
3 by Toyota Motor Credit Corporation.

1. Debtors filed for protection under Chapter 13 of U.S.C. Bankruptcy Code
November 10, 2017.
2. On December 14, 2017, Toyota Motor Credit Corporation , filed
claim number 4.
3. On February 14, 2019, Toyota Motor Credit Corporation amended the
claim to \$5,939.25
4. Debtors object to claim number 3, as they believe that Toyota Motor Credit
Corporation failed to sell the vehicle in a commercially reasonable manner, and
As a result, failed to recover a reasonable sum and minimize damages.
Toyota has a statutory duty to mitigate their damages with a
“commercially reasonable sale” pursuant to VA Code 8.9A-610(b). The failure

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to comply with 8.9A-610 results in entitlement to damages under 8.9A-625 and 8.9A-626, amounting to the entire finance charge plus 10% of the principal and credit for the proper amount of credit, amounting to 11,990.10 for the finance charge and 4,387.82 for the 10% of the amount financed, reducing the balance by 16,377.92 plus the amount of credit had the collateral been sold properly, reducing the amount from 5939.25 to zero plus credit for proper sale in the approximate amount of \$4,000, resulting in a credit balance, not a debt.

5. The Debtors are requesting that claim number 4 be reduced to \$0.00, zero dollars and zero cents.

WHEREFORE, Debtors request that the Court sustain the objection.

November 2, 2021

RESPECTFULLY SUBMITTED

Vincent E. Harris
Janet L. Harris

By: /s/: Joseph S. Massie, III
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CERTIFICATE OF SERVICE

I hereby certify that on May 27, 2021, by first class mail an exact copy of the foregoing Objection to Proof of Claim to Toyota Motor Credit Corporation c/o: Beckett and Lee, LLP, PO Box 3001 Malvern, PA 19355-0701

November 2, 2021

RESPECTFULLY SUBMITTED

Vincent E. Harris

Janet L. Harris

By: /s/: Joseph Massie, III

Joseph Massie, III

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Debtor

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4701 Cox Rd., Suite 285
Glen Allen, VA 23060

Trustee

Suzanne Wade

PO Box 1780

Richmond, VA 23230

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